

REMARKS

The Final Office Action of December 6, 2005 has been carefully studied.

The indication of claims 3-11, 13 and 15 as being allowed is noted.

Applicant traverses the rejection of claim 5 and 24-26 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action incorrectly alleges there is no disclosure in the original application that the entire diameter of a hole is always exposed to an outlet. While the exact language employed in claim 24, upon which claims 25, 26 and 5 depend, is not found in the specification, it is evident from the specification and Figure 2 of the drawing that holes 70 and 71 in rotatable disk 6 are such that the whole diameter of at least one of the holes is always facing fluid outlet passage 11. Page 5, lines 3-5 indicates passage 9 enables fluid to circulate between inlet passage 10 and holes 70 and 71 in disk 6 that faces fluid outlet passage 11. Page 5, lines 9-14 indicates area Z of disk 6 communicates with outlet passage 11. Page 5, lines 15-17 indicates the size of holes 70 and 71 in disk 6 opposite area Z leads towards outlet passage 11.

An inspection of Figure 2 indicates that in the depicted situation, the entire diameter of three holes are in the region circumscribed by area Z, i.e., the area of outlet passage 11 opposite the rows of holes 70 and 71. As disk 6 rotates about its central axis from holes 70₀ and 71₀ to holes 71_n and 70_n, it is evident, from an inspection of Figure 2, that the entire diameter of at least one of holes 70 or 71 is always in the region circumscribed by circular area Z. Since the drawing is considered part of the written description of the application, reliance on Figure 2 is permissible. See M.P.E.P. 2163.02 (second paragraph, and the decisions cited therein).

Applicant calls to the attention of the Examiner the paragraph bridging pages 5 and 6 of the application as filed. This paragraph specifically states, on page 5, lines 30 and 31 that area Z, as shown in Figure 2, is such that two or more holes in a single row and/or in different rows always

face area Z. Page 5, lines 15 and 16 indicate that area Z leads toward outlet passage 11, and that the size of holes 70 and 71 in disk 6 opposite area Z increases gradually, with the gradual increase being from the smallest holes 70₀ and 71₀ to the largest holes 70_n and 71_n. Based on the foregoing, the written description provides antecedent basis for the requirement of claim 24 for the entire diameter of a hole to be always exposed to outlet 11.

Since the rejection of claim 24 under 35 U.S.C. §112, first paragraph, is improper, the rejection of claims 25, 26 and 5 is also improper.

In view of the foregoing remarks, allowance of all claims is in order.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337, and please credit any excess fees to such deposit account.

Respectfully submitted,

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